

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLADYS YOLTON, WILBUR MONTGOMERY,
ELSIE TEAS, ROBERT BETKER, EDWARD
MAYNARD, and GARY HALSTEAD, on behalf
of themselves and a similarly situated class,

Plaintiffs,

Case No. 02-CV-75164

v

Patrick J. Duggan

EL PASO TENNESSEE PIPELINE CO., and
CNH AMERICA, LLC,

Class Action

Defendants.

ORDER GRANTING MOTION FOR ATTORNEY FEES

At a session of said Court
held in the United States Courthouse in
Detroit, Michigan on December 6, 2011.

Plaintiffs filed a Motion for Attorney Fees (R. 440) pursuant to the August 17, 2011 Settlement Agreement between the Plaintiffs and El Paso Tennessee Pipeline Co. ("El Paso Tennessee"). This Court has reviewed the Motion and considered the statements of counsel at the hearing on final approval of the Settlement Agreement on November 17, 2011. Therefore, pursuant to Fed. R. Civ. P. 23(h), this Court makes the following finding of facts and conclusions of law:

1. Plaintiffs' counsel, Roger J. McClow and the firm of Klimist, McKnight, Sale, McClow & Canzano, P.C., have been counsel for the Class in this litigation since it was filed in late 2002.
2. On August 15, 2011, Plaintiffs filed a Motion for Attorney Fees (R. 440) in the amounts set forth in the Settlement Agreement.

3. At a hearing before the Court on August 17, 2011, this Court preliminarily approved the Settlement Agreement between the Plaintiffs and El Paso Tennessee as fair, reasonable and in the best interests of the Class and required Plaintiffs to mail notice of the Settlement Agreement to all Class Members.

4. As described in the Affidavit of Mailing filed by Plaintiffs' counsel on November 15, 2011 (R. 448), Plaintiffs mailed a copy of their Motion for Attorney Fees with the Settlement Agreement Notice packets.

5. On November 17, 2011, this Court finally approved the Settlement Agreement as fair, reasonable and in the best interests of the Class and entered its Final Judgment and Order of Dismissal (R. 450).

6. This Court concludes that the attorney fees and costs sought by Plaintiffs, in the amounts agreed to by El Paso Tennessee in Paragraph 22 of the Settlement Agreement, are reasonable in light of, among other factors: 1) the time spent by Plaintiffs' counsel during this complex, prolonged litigation; 2) the hourly rate which the fee award represents in light of other recent fee awards in similar cases; 3) the results achieved by Plaintiffs during the litigation and in the Settlement Agreement; and 4) the fact that Plaintiffs' counsel will have to spend considerable additional time through the Distribution Date during the upcoming Authorized Claims Process.

7. This Court concludes that Notice of the Motion has been served on all parties and all Class Members and that this Notice complies with Fed. R. Civ. P. 23(h)(1).

IT IS HEREBY ORDERED that Plaintiffs, Motion for Attorney Fees be and hereby is granted.

IT IS FURTHER ORDERED that El Paso Tennessee will pay \$4 million for all claimed attorney fees and costs through the Distribution Date, as that term is defined in Paragraph 1.15 of the Settlement Agreement.

IT IS FURTHER ORDERED that El Paso Tennessee will pay the fees and costs in two installments: (1) \$3 million within thirty (30) days after the Judgment becomes Final, as that term is defined in Paragraph 1.24 of the Settlement Agreement; and (2) the remaining \$1 million within thirty (30) days after distribution of the Early Authorized Claim Amount checks pursuant to Paragraph 4(c) of the Authorized Claim Procedure, which Procedure is Exhibit A to the Settlement Agreement.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: December 6, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on Tuesday, December 06, 2011, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager

Approved as to form:

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Dated: December 5, 2011